

(Translation)

Treaty for the Judicial Settlement,
Arbitration and Conciliation between Japan
and the Netherlands.



Signed at the Hague on April 19, 1933;

Ratified on June 8, 1935;

Ratifications exchanged on August 12,
1935;

Promulgated on August 13 (by the Official
Gazette dated August 14), 1935;

Executed on and from the day of the
exchange of the ratifications.

We, after having consulted the Privy Council, hereby ratify the
Treaty for the Judicial Settlement, Arbitration and Conciliation to which the
authorized delegate of our Empire, together with the delegate of the
Netherlands, affixed his signature and seal on April 19, 1933, at the Hague,
and have our Government promulgate it with the Protocol of Signature.

Imperial Signature and Seal of the Empire

August 13, 1935,

Keisuke Okada

Prime Minister

Koki Hirota

Minister for Foreign Affairs

TREATY OF JUDICIAL SETTLEMENT, ARBITRATION AND CONCILIATION
BETWEEN JAPAN AND THE NETHERLANDS.
SIGNED AT THE HAGUE, APRIL 19th, 1933.

Her Majesty the Queen of the Netherlands

and

His Majesty the Emperor of Japan,

Equally desirous of strengthening the friendly relations which have
existed between the Netherlands and Japan for centuries,

Firmly resolved in no case to seek a settlement other than by
peaceful means of disputes of any character which may arise between their two
countries,

Have decided to conclude a Treaty for that purpose and have appointed
as their respective Plenipotentiaries:

Her Majesty the Queen of the Netherlands:

Jonkheer Frans Beelaerts van Blokland, Her Minister for Foreign
Affairs;

His Majesty the Emperor of Japan:

Monsieur Hiroshi Saito, His Envoy Extraordinary and Minister
Plenipotentiary accredited to Her Majesty the Queen
of the Netherlands;

Who, having communicated their full powers, found in good and due
form, have agreed on the following provisions:

Article I.

All disputes of any character arising between the High Contracting
Parties, which it has not been possible to settle amicably within a reasonable
period by the normal diplomatic procedure, shall be justiciable, by common
accord between the Parties or at the request of either one of them, by a
Permanent Conciliation Commission to be established under the provisions of
the present Treaty and to exercise its functions in accordance therewith. Dis-
putes which in the opinion of both Parties are of a juridical character shall
be submitted to the Permanent Conciliation Commission only by common accord
between the Parties.

Article 2.

Disputes, for the solution of which a special procedure is provided under other Conventions in force between the High Contracting Parties, shall be settled in accordance with the provisions of such Conventions.

Article 3.

Disputes of a legal character (and, in particular, disputes in regard to the interpretation of Treaties in force between the High Contracting Parties) which have not been submitted to the Permanent Conciliation Commission or, having been submitted to the said Commission, have not been settled within three months after its report has been drawn up, shall be submitted for arbitration, at the request of either one of the Parties addressed to the other or by common accord, either to the Permanent Court of International Justice, which shall decide in accordance with the conditions and procedure provided in its Statute, or to an Arbitral Tribunal, which shall decide in accordance with the conditions and procedure provided in the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes. The submission to the Court or Tribunal shall consist of an exchange of notes between the Governments of the High Contracting Parties.

In default of agreement as to the choice between the Permanent Court of International Justice and an Arbitral Tribunal being reached by the Parties within three months from the addressing of a proposal by one of the Parties to the other for the submission of the dispute to the Court or Tribunal, the dispute shall be submitted in accordance with the procedure provided in the preceding paragraph to the Court, which shall decide in accordance with the conditions and procedure provided in its Statute. The dispute shall also be submitted to the Court in accordance with the same procedure in the case where, the High Contracting Parties having agreed to submit the dispute to an Arbitral Tribunal, the Tribunal has not been set up in accordance with the provisions of Article 4 within five months from the request to which paragraph 2 of Article 4 relates.

Article 4.

In the event of the High Contracting Parties agreeing to submit a dispute to an Arbitral Tribunal, the following shall be the composition and constitution of the Tribunal, save in so far as otherwise agreed. The Tribunal shall consist of five arbitrators, whereof one shall be appointed by each of the Parties. The said two arbitrators may be nationals of the States by which they are appointed. The Chairman and the other two arbitrators shall be chosen by common accord from nationals of third Powers in such wise that each is of a different nationality.

In default of the appointment of the members of the Arbitral Tribunal within three months from the addressing of the proposal by one of the Parties to the other for the joint establishment of an Arbitral Tribunal, the necessary appointments shall be made by a third Power chosen by common accord between the Parties.

In default of agreement as to the choice of the third Power, each Party shall designate a different Power, and the appointments shall be made by the Powers thus chosen in concert.

Article 5.

Vacancies in the membership of the Arbitral Tribunal by reason of death, resignation or other impediment shall be filled as soon as possible in accordance with the provisions in Article 4 in regard to appointments.

Article 6.

The arbitral procedure for which Article 4 provides shall be governed by the provisions of Articles 7, 8 and 9

Article 7

The High Contracting Parties shall draw up a submission defining the subject of the dispute and the procedure to be followed.

In default of sufficient indications or particulars in the submission, the arbitral procedure shall be governed by the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 8.

Save in so far as otherwise agreed, the fundamental rules on which the Arbitral Tribunal shall base its decisions shall be:

- (1) Such general or specific Conventions as are in force between the two Parties, and the rules of law deriving therefrom;
- (2) International custom regarded as the expression of general practice accepted as law;
- (3) General principles of law recognized by civilized nations;
- (4) The result of the most authoritative judicial doctrine and practice regarded as auxiliary means of determining rules of law.

Article 9.

Save in so far as otherwise provided in the submissions, appeals for revision of arbitral awards may be lodged, in accordance with the provisions of Article 83, paragraphs 2 and 3, of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, within a period to be fixed by the Tribunal.

Article 10.

Where the subject of a dispute according to the municipal law of one of the High Contracting Parties falls within the competence of the said Party's national courts, the dispute shall not be justiciable under the procedure provided in the present Treaty until such time as a final judgment has been passed by the competent national judicial authority, such judgment to be passed within a reasonable period.

Article 11.

The Permanent Conciliation Commission for which the present Treaty provides shall be composed of five members, who shall be appointed as follows, that is to say: the High Contracting Parties shall each appoint one of their own nationals to be a Commissioner, and the remaining three Commissioners shall be chosen by common accord from nationals of third Powers in such wise that each is of a different nationality, one of the latter to be appointed by the High Contracting Parties as President of the Commission.

The Commissioners shall be appointed for five years as from the date of the coming into force of the present Treaty; their term of office shall be renewable. They shall remain in office until replaced, and in any case until the termination of such work as they may have in hand at the moment of the expiry of their term of office.

Vacancies occurring as a result of death, resignation or other permanent or temporary impediment shall be filled as soon as possible, and in any case within three months, in accordance with the provisions in regard to appointments. Persons thus appointed shall be appointed only for the unexpired portion of the term of office of the Commissioners they replace.

Article 12.

The Permanent Conciliation Commission shall be constituted as soon as possible after the ratifications of the present Treaty have been exchanged.

In the event of the appointment of the members to be appointed by common accord not having been made within six months from the exchange of ratifications of the Treaty or, in the case of the filling of a vacancy, within three months after the vacancy occurs, the President of the Permanent Court of International Justice shall be requested, in default to agreement as to any other procedure, by the two High Contracting Parties jointly, or by either one of them, to make the necessary appointment. Should the President be prevented from making the appointments or should he be a national of either of the Parties, the Vice-President shall be requested to make the appointments. Should the Vice-President be prevented from making the appointments or should he be a national of either of the Parties, the next Judge on the roll of the Court, not being a national of either of the Parties, shall be requested to make the appointments.

Article 13.

Disputes shall be brought before the Permanent Conciliation Commission by means of requests addressed to the President.

Requests shall contain a summary account of the subject of the dispute, together with an invitation to the Commission to take all necessary steps with a view to an amicable settlement.

Where a request emanates from one only of the Parties, the Party making the request shall notify the other Party forthwith.

Article 14.

It shall be the duty of the Permanent Conciliation Commission to elucidate questions in dispute, to collect with that object all necessary information by enquiry or otherwise, and to endeavour to bring the Parties to an agreement. It shall be open to the Commission, after examination of the case, to indicate to the Parties such terms of settlement as it may consider reasonable, and to specify (should it so see fit) a time-limit for the statement by the Parties of their attitude in regard to the same.

At the close of the proceedings, the Commission shall draw up a report stating the result of the proceedings. A copy of the report shall be delivered to each Party. The report shall not mention whether the decisions of the Commission were taken by a unanimous or by a majority vote.

The High Contracting Parties shall at no time be bound by any considerations of fact or law or any other considerations accepted by the Commission.

The proceedings of the Commission shall begin not later than two months from the date on which the dispute has been brought before it. They shall be concluded within six months from the date on which the Commission has declared the proceedings open, unless the Parties otherwise agree or the Commission is of opinion that an extension of the time-limit is indispensable. In the event of the Commission being of opinion that an extension of the time-limit is indispensable, it shall communicate a statement of the reasons for its opinion to both Parties.

Article 15.

Save in so far as otherwise specifically provided, the Permanent Conciliation Commission shall lay down its own procedure must in any case provide for both Parties being heard. In all cases of enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (International Commissions of Enquiry) of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 16.

The President shall convene the Permanent Conciliation Commission as soon as possible after a dispute has been brought before it.

Save in so far as otherwise agreed between the Parties, the Commission shall meet at the place and on the date fixed by the President.

Article 17.

The proceedings of the Permanent Conciliation Commission shall be private save in so far as otherwise decided by the Commission with the consent of the Parties.

The High Contracting Parties undertake not to publish the results of the proceedings of the Commission without previous consultation with one another.

Article 18.

The High Contracting Parties shall be represented before the Permanent Conciliation Commission by agents, whose duty it shall be to act as intermediaries between the High Contracting Parties and the Commission. The High Contracting Parties may, further, be assisted by counsel or experts appointed by them for the purpose, and may request that all persons whose evidence appears to them useful should be heard.

The Commission shall be entitled to require oral explanations from the agents, counsel and experts of the two Parties, as well as from any person it may see fit, with the consent of the said person's Government, to call.

Article 19.

Save in so far as otherwise provided in the present Treaty, the decisions of the Permanent Conciliation Commission shall be taken by a majority vote.

The Commission may not take any decision relating to the substance of the dispute, unless all the members have been duly convened and at least all the members appointed by common accord are present.

Article 20.

The High Contracting Parties undertake to facilitate the labours of the Permanent Conciliation Commission and, in particular, to lend it the assistance of their competent authorities, to supply it to the fullest possible extent with all material documents and information, and to take the necessary steps to allow the Commission to proceed in their several territories to the calling and hearing of witnesses or experts, and to visit particular localities with a view to enquiries on the spot.

Article 21.

For the period of the proceedings of the Permanent Conciliation Commission, each Commissioner shall receive emoluments, the amount of which shall be fixed by common accord between the High Contracting Parties, each of which shall contribute an equal moiety thereof. The general cost of the proceedings of the Commission shall be divided equally between the two Parties.

Article 22.

The decisions of the Arbitral Tribunal or of the Permanent Court of International Justice shall be executed in good faith by the Parties.

The High Contracting Parties undertake for the period of the proceedings of the Permanent Conciliation Commission, the Arbitral Tribunal or the Permanent Court of International Justice not to take any step capable of exercising an adverse influence on the acceptance of proposals by the Permanent Conciliation Commission, or on the execution of decisions of the Arbitral Tribunal or of the Permanent Court of International Justice. The

Arbitral Tribunal may order provisional measures, at the request of either one of the Parties, provided such measures admit of execution by the Parties by means of administrative regulations. The Permanent Conciliation Commission may make proposals in the same sense. In the case of the Permanent Court of International Justice, the provisions of the Statute of the same shall be applicable.

Article 23.

In the event of dispute between the High Contracting Parties concerning the interpretation of the present Treaty, such dispute shall be settled in accordance with the procedure provided in Article 3.

Article 24.

The present Treaty shall be ratified and the ratifications shall be exchanged at The Hague as soon as possible.

Article 25.

The present Treaty shall come into force as soon as the ratifications have been exchanged and shall remain in force for a period of five years as from its coming into force. If not denounced six months before the expiry of the said period, it shall be deemed to be tacitly renewed for further successive periods of five years.

Any proceedings of whatever kind under the present Treaty which may be pending, at the time of the expiry of the same, before the Permanent Conciliation Commission, the Permanent Court of International Justice or the Arbitral Tribunal shall continue until they are concluded.

In faith whereof the Plenipotentiaries aforesaid signed the present Treaty and have thereto affixed their seals.

Done at The Hague in duplicate on April 19th, 1933, corresponding to the nineteenth day of the fourth month of the eighth year of Showa.

(L.S.) Beelaerts van Blokland.
(L.S.) Hiroshi Saito.

PROTOCOL OF SIGNATURE.

At the moment of proceeding to the signature of the Treaty of Judicial Settlement, Arbitration and Conciliation between the Netherlands and Japan, the undersigned Plenipotentiaries declare themselves agreed as to the following:

(1) The aforesaid Treaty shall be applicable to all disputes which may arise between the two countries not directly affecting the interests of third Powers.

(2) Should the legal situation of Japan in relation to the Permanent Court of International Justice be modified as a result of the withdrawal of Japan from the League of Nations, notice of which was given on March 27th, 1933, becoming definitive, the High Contracting Parties shall proceed, at the request of the Japanese Government, to enter into negotiations in order to decide whether it is necessary to amend the provisions of the said Treaty relating to the said Court. For the period of such negotiations the application of the said provisions shall be suspended. Nevertheless, proceedings pending before the Court at the time of the Japanese Government's request shall continue until a conclusion is reached; and the provisions of the Treaty shall continue to be applicable to decisions of the Court in such cases.

The Hague, April 19th, 1933, corresponding to the nineteenth day of the fourth month of the eighth year of Showa.

Beelaerts van Blokland.
Hiroshi Saito.

CERTIFICATE OF SOURCE AND AUTHENTICITY

I, HAYASHI, Kaoru, who occupy the post of Chief Archives Section, Foreign Office, hereby certify that the document hereto attached, written in Japanese, consisting of 21 pages and entitled "Treaty for the Judicial Settlement, Arbitration and Conciliation between Japan and the Netherlands" is an exact and authorized excerpt from an official document in the custody of Japanese Government (Foreign Office).

certified at Tokyo,

on this 2 day of Feb., 1947

HAYASHI, Kaoru (seal)

I hereby certify that the above signature and seal were affixed hereto in the presence of the witness.

at the same place,

on this same date

Witness:

K. Urabe (seal)

一、日本國和蘭國間司法的解決、仲裁裁判及調停條約**草案**

昭和八年（千九百三十三年）四月十九日「ハーグ」ニ於テ作	批	成
昭和十年（千九百三十五年）六月八日	批	准
同 年（同 年）八月十二日「ハーグ」ニ於テ批准書交換	同	年（同
年）八月十三日（同月十四日附官報）公布	同	年（同
批准書交換ノ日ヨリ	批	准
實	施	

朕樞密顧問ノ諮詢ヲ經テ昭和八年四月十九日「ハーグ」ニ於テ帝國全權委員ガ和蘭國全權委員ト共ニ署名調印シタル日本國和蘭國間司法的解決仲裁裁判及調停條約ヲ批准シ茲ニ署名議定書ト共ニ之ヲ公布セシム

御 名 御 璽

昭和十年八月十三日

内閣總理大臣	岡	田	啓	介
外務大臣	廣	田	弘	毅

條約第八號

日本國和蘭國間司法的解決、仲裁裁判及調停條約

日本國皇帝陛下

及

和蘭國皇帝陛下

日本國和蘭國間ノ永年ノ友好關係ヲ鞏固ナラシムルノ希程ニ均シク促サ

レ兩國間ニ生ズルコトアルベキ紛争ハ其ノ性質ノ如何ヲ問ハズ之ガ解決ヲ

如何ナル場合ニ於テモ平和的手段ノ外ニ求メザルコトヲ固ク決意シ

之ガ爲條約ヲ締結スルコトニ決シ左ノ如ク其ノ全權委員ヲ任命セリ

日本國皇帝陛下
和蘭國駐劄特命全權公使齋藤博

和蘭國皇帝陛下

外務大臣「ヨシキハール、フランス、ペーラーツ、フアン、ブロックラント」

右全權委員ハ互ニ其ノ全權委任狀ヲ示シ之ガ良好妥當ナルヲ認メタル後
左ノ諸規定ヲ協定セリ

第一條

締約國間ニ生ジ且通常ノ外交手續ニ依リ相當ノ期間内ニ解決セラレ得ザ
ルコトアルベキ一切ノ紛争ハ其ノ性質ノ如何ヲ問ハズ本條約ノ規定ニ從
ヒテ設置セラレ且活動スル常設調停委員會ニ締約國間ノ合意ニ依リ又ハ

其ノ一方ノ請求ニ依リ付託セラルベシ兩締約國ニ於テ法律的ノモノナル
ベシト認メタル紛争ハ締約國間ノ合意ニ依ルノ外常設調停委員會ニ付託
セラレザルベシ

第二條

紛争ニシテ其ノ解決ニ關シ特別ノ手續ガ締約國間ニ實施中ノ他ノ條約ニ
依リ定メラルルモノハ右條約ノ規定ニ從ヒ解決セラルベシ

第三條

法律的紛争特ニ締約國間ニ實施中ノ條約ノ解釋ニ關スル紛争ニシテ常設
調停委員會ニ付託セラレザルカ又ハ之ニ付託セラレタルモノ其ノ報告ノ作
成後三月内ニ解決セラレザルモノハ締約國ノ一方ニ依リ他方ニ對シ爲サ
ルル請求ニ基キ特別取極ノ方法ニ依ル合意ヲ以テ常設國際司法裁判所又
ハ仲裁裁判所ニ付託セラルベシ常設國際司法裁判所ハ其ノ規程ニ依リ定
メラルル條件及手續ニ從ヒ裁判スベク又仲裁裁判所ハ國際紛争ノ平和的
處理ニ關スル千九百七年十月十八日ノ「ヘーグ」條約ニ依リ定メラルル
條件及手續ニ從ヒ裁判スベシ特別取極ハ締約國政府間ニ於ケル文書ノ交
換ニ依リ設定セラルルモノトス

締約國ノ一方ニ依リ他方ニ對シ爲サルル常設國際司法裁判所又ハ仲裁裁
判所ニ紛争ヲ付託スルノ提議ノトキヨリ三月ノ期間内ニ管轄裁判所ノ選
擇ニ關シ締約國間ニ意見一致セザルトキハ紛争ハ前項ニ定メラルル手續
ニ從ヒ右司法裁判所ニ付託セラルベク該裁判所ハ其ノ規程ニ依リ定メラ

ルル手続ニ從ヒ右司法裁判所ニ付託セラルハクシテ其ノ裁決ニ依
ルル案件及事件手續ニ從ヒ裁判スベシ紛争ハ締約國ガ之ヲ仲裁裁判
所ニ付託スルコトニ意見一致シタルモ次條ノ規定ニ依ル右裁判所ノ設置
ガ同條第二項ニ掲ゲラルル請求ノトキヨリ五月内ニ爲サレザリシトキハ
同一ノ手續ニ從ヒ均シク常設國際司法裁判所ニ付託セラルベシ

第四條

締約國ガ紛争ヲ仲裁裁判所ニ付託スルコトニ意見一致シタルトキハ右裁
判所ハ別段ノ了解ナキ限り五名ノ裁判官ヲ以テ構成セラレ且次ノ方法ニ
依リ設置セラルベシ即チ締約國ハ其ノ國民中ヨリ選定セラレ得ベキ一名
ノ仲裁裁判官ヲ各任命スベク又裁判長及他ノ二名ノ仲裁裁判官ハ第三國
ノ國民中ヨリ合意ニ依リ選定セラルベシ右三名ノ仲裁裁判官ハ各異リタ
ル國籍ヲ有スベシ

締約國ノ一方ニ依リ他方ニ對シ爲サル仲裁裁判所ヲ共同シテ設置スル
コトノ請求ノトキヨリ三月ノ期間内ニ仲裁裁判所ノ裁判官ノ任命ガ行ハ
レザルトキハ必要ナル任命ヲ爲スノ手配ハ締約國ガ合意ヲ以テ選定スル
第三國ニ委嘱セラルベシ

右ニ關シ合意成立セザルトキハ各締約國ハ異リタル一國ヲ指定スベク又
任命ハ斯ク選定セラレタル國ニ依リ協同シテ爲サルベシ

第五條

死亡、辭任又ハ他ノ何等カノ故障ニ依リ仲裁裁判所ニ生ズルコトアルベ

キ関員ハ任命ニ關シ第四條ニ定メラルル方法ニ從ヒ最短キ期間内ニ補充セラルベシ

第六條

第四條ニ掲ゲラルル仲裁裁判ハ第七條、第八條及第九條ノ規定ニ依リ規律セラルベシ

第七條

締約國ハ紛争ノ目的及準據手續ヲ決定スル特別取極ヲ作成スベシ
特別取極ニ於テ充分ナル指示又ハ明示ナキトキハ仲裁手續ハ國際紛争ノ平和的處理ニ關スル千九百七年十月十八日ノ「ハーグ」條約ノ規定ニ依リ處理セラルベシ

第八條

仲裁裁判官ニ依リ適用セラルベキ實體法規ニ關シ別段ノ了解ナキトキハ仲裁裁判所ハ左記ニ基キ其ノ決定ヲ爲スベシ

- 一 兩締約國間ニ實施中ノ一般又ハ特別ノ條約及之ニ由來スル法の規則
- 二 法トシテ承認セラレタル一般の慣行ノ表現ト認メラルル國際的慣習
- 三 文明國ニ依リ認メラレタル法的一般原則
- 四 法的規則決定ノ補助手段トシテノ最權威アル學說及判例ノ歸結

第九條

仲裁判決ノ再審ノ請求ハ仲裁裁判ノ特別取極ニ反對ノ規定ナキ限り裁判所ニ依リ定メラルベキ期間内ニ國際紛争ノ平和的處理ニ關スル千九百七

年十月十八日ノ「ハーグ」條約第八十三條第二項及第三項ノ規定ニ從ヒ受理セラルベシ

第十條

紛争ニシテ其ノ目的ガ締約國ノ一方ノ國內法制ニ依レバ該締約國ノ内國裁判所ノ管轄ニ屬スルモノニ付テハ該紛争ハ既判力ヲ有シ且相當ノ期間内ニ權限アル内國裁判官憲ニ依リ言渡サレタル判決ノ後ニ非ザレバ本條約ニ依リ定メラルル手續ニ付託セラルルコトヲ得ズ

第十一條

本條約ニ依リ定メラルル常設調停委員會ハ次ノ方法ニ依リ指名セラルベキ五名ノ委員ヲ以テ構成セラルベシ即チ締約國ハ各自ノ國民中ヨリ一名ノ委員ヲ各任命スベク且第三國ノ國民中ヨリ他ノ三名ノ委員ヲ合意ニ依リ指名スベシ右三名ノ委員ハ各異リタル國籍ヲ有スベク且其ノ中ヨリ締約國ハ委員會ノ議長ヲ指名スベシ
委員ノ任期ハ本條約ノ實施ノ日ヨリ五年トシ其ノ委任ハ更新セラルコトヲ得右委員ハ其ノ更任ニ至ル迄又一切ノ場合ニ於テ其ノ委任ノ滿期ノ際ニ進行中ナル事業ノ完了ニ至ル迄職務ニ留ルベシ
死亡、辭任又ハ永久的若ハ一時的ノ故障ニ因リ生ズルコトアルベキ委員ハ任命ニ付定メラレタル方法ニ從ヒ成ルベク速ニ且三月ヲ超エザル期間内ニ補充セラルベシ斯ク指名セラレタル者ノ任期ハ其ノ前任者ノ未了委任期間ノミタルベシ

第十二條

常設調停委員會ハ本條約ノ批准書ノ交換後成ルベク速ニ設置セラルベシ
 共同シテ指名セラルベキ委員ノ任命ガ條約ノ批准書ノ交換後六月内ニ行
 ハレザルカ又ハ補闕ノ場合ニ於テ關員ノ生ジタルトキヨリ三月内ニ行ハ
 レザルトキハ常設國際法裁判所長ハ別段ノ了解ナキ限り兩締約國ニ依リ
 共同シテ又ハ其ノ一方ニ依リ必要ナル指名ヲ爲スコトヲ求メラルベシ裁
 判所長ニ故障アルカ又ハ裁判所長ガ締約國ノ一方ノ國民ナルトキハ裁判所次長ハ右指名ヲ爲ス
 コトヲ求メラルベシ裁判所次長ニ故障アルカ又ハ裁判所次長ガ締約國ノ一方ノ國民ナルトキ
 ハ裁判所ノ名簿ノ順位ニ依リ他ノ裁判官中ノ首席タル者ニシテ何レノ條
 約國ノ國民ニモ非ザルモノガ右指名ヲ爲スコトヲ求メラルベシ

第十三條

常設調停委員會ハ議長ニ宛テラルル請求ノ方法ニ依リ事件ノ付託ヲ受クベシ
 請求ニハ紛争ノ目的ヲ簡單ニ敘述シタル後調停ニ達スルニ適當ナル一切
 ノ措置ヲ執ルベキ旨ノ委員會ニ對スル要請ヲ包含セシムベシ
 請求ガ締約國ノ一方ノミヨリ提出セラルルトキハ該請求ハ右締約國ニ依
 リ相手方締約國ニ遲滯ナク通告セラルベシ

第十四條

常設調停委員會ハ係争問題ヲ明ニシ、之ガ爲審査又ハ他ノ方法ニ依リ一
 切ノ有田ナル情報ヲ蒐集シ且締約國ヲ調停スルニ努ムルコトヲ任務トス
 ベシ右委員會ハ事件ノ審理ノ後其ノ適當ト認ムル和解ノ條件ヲ締約國ニ

呈示シ且必要アルトキハ締約國ニ其ノ意見ヲ開陳スル爲ノ猶豫ヲ與フル
コトヲ得

委員會ハ其ノ事業ノ終了ニ當リ該事業ノ結果ヲ記載セル報告書ヲ作成ス
ベク、該報告書ハ一通ツ各締約國ニ交付セラルベシ報告書ニハ委員會
ノ決定ガ全會一致ニ依リ爲サレタリヤ又ハ過半数ニ依リ爲サレタリヤハ
之ヲ記載セザルベシ
締約國ハ委員會ノ採用セル事實上、法律上其ノ他ノ判斷ニ何等羈束セラ
ルコトナカルベシ

委員會ノ事業ハ委員會ガ紛争ノ付託ヲ受ケタル日より通クトモ二月内ニ
開始セラルベシ締約國ガ別段ノ協定ヲ爲サザルカ又ハ委員會ガ期間ヲ延
長スルコトヲ必要ト認メザル限り右事業ハ委員會ガ開始ヲ宣シタル日ヨ
リ六月ノ期間内ニ終了セラルベシ委員會ハ六月ノ期間ヲ超エテ其ノ事業
ヲ繼續スルコトヲ必要ト認ムルトキハ其ノ理由ヲ兩締約國ニ通報スベシ

第十五條

常設調停委員會ハ反對ノ特別規定ナキ限り自ラ其ノ手續ヲ決定スベク右
手續ハ何レノ場合ニ於テモ對審的タルベシ審査ニ關シテハ委員會ハ其ノ
全會一致ヲ以テ別段ノ決定ヲ爲サザルトキハ國際紛争ノ平和的處理ニ關
スル千九百七年十月十八日ノ「ハーグ」條約第三章（國際審査委員會）
ノ規定ニ從フベシ

第十六條

議長ハ常設調停委員會ガ紛争ノ付託ヲ受ケタル後成ルベク速ニ該委員會ヲ招集スベシ
委員會ハ締約國間ニ反對ノ合意ナキ限り其ノ議長ニ依リ指定セラルル地及日ニ會合スベシ

第十七條

常設調停委員會ノ事業ハ委員會ガ締約國ノ同意ヲ得テ爲ス決定ニ基クノ外公開セラルルコトナシ
締約國ハ豫メ協議ヲ爲スニ非ザレバ委員會ノ事業ノ結果ヲ公表セザルコトヲ約ス

第十八條

締約國ハ締約國ト常設調停委員會トノ間ノ仲介者タルノ任務ヲ有スル代理人ニ依リ該委員會ニ代表セラルベシ尙締約國ハ其ノ特ニ任命スル輔佐人及専門家ノ援助ヲ受クルコト竝ニ何人タルヲ問ハズ其ノ證言ガ締約國ニ有用ナリト認メラル者ノ訊問ヲ請求スルコトヲ得

委員會モ亦兩締約國ノ代理人、輔佐人及専門家ニ對シ竝ニ委員會ガ何人タルヲ問ハズ其ノ本國政府ノ同意ヲ得テ之ヲ出頭セシムルコトヲ有用ト認ムベキモノニ對シ口頭説明ヲ請求スルノ機能ヲ有スベシ

第十九條

常設調停委員會ノ決定ハ本條約ニ反對ノ規定ナキ限り表決ノ過半数ニ依

リ爲サルベシ

委員會ハ一切ノ委員ガ正當ニ招集セラレ且少クトモ共同シテ選任セラレタル一切ノ委員ガ出席スルニ非ザレバ紛争ノ實體ニ關スル決定ヲ爲スコトヲ得ズ

第二十條

締約國ハ常設調停委員會ノ事業ヲ容易ナラシメ殊ニ自國ノ權限アル官憲ノ援助ヲ委員會ニ對シ保障シ、有用ナル譽頌及情報ヲ能フ限り多ク委員會ニ供給シ且委員會ヲシテ證人又ハ鑑定人ノ召喚及訊問並ニ臨檢ヲ自國ノ領域内ニ於テ爲スコトヲ得シムル爲ニ必要ナル措置ヲ執ルコトヲ約ス

第二十一條

常設調停委員會ノ事業ノ繼續中ハ各委員ハ締約國間ノ合意ニ依リ決定セラルル額ノ手當ヲ受クベク締約國ハ各之ヲ均等ニ分擔スベシ委員會ノ活動ニ依リ生ジタル全般ノ費用ハ半額ヅツ割當テラルベシ

第二十二條

仲裁裁判所又ハ常設國際司法裁判所ノ決定ハ締約國ニ依リ誠實ニ執行セラルベシ

締約國ハ常設調停委員會、仲裁裁判所又ハ常設國際司法裁判所ノ手續ノ繼續中ハ常設調停委員會ノ提案ノ受諾ニ對シ又ハ仲裁裁判所若ハ常設國際司法裁判所ノ決定ノ執行ニ對シ不利ナル影響ヲ與フルコトアルベキ何等ノ措置ヲモ執ラザルコトヲ約ス仲裁裁判所ハ締約國ガ行政的手段ニ依

リ執リ得ルモノナル限リ締約國ノ一方ノ請求ニ依リ假措置ヲ命ズルコトヲ得常設調停委員會モ同一ノ目的ヲ以テ提案ヲ爲スコトヲ得常設國際司法裁判所ニ關シテハ其ノ規程ガ適用セラルベシ

第二十三條

本條約ノ解釋ニ關シ何等カノ紛爭ガ締約國間ニ生ズルニ至リタルトキハ右紛爭ハ第三條ニ規定セラルル手續ニ從ヒ解決セラルベシ

第二十四條

本條約ハ批准セラルベシ批准書ハ成ルベク速ニ「ハーグ」ニ於テ交換セラルベシ

第二十五條

本條約ハ批准書交換ノトキヨリ實施セラルベク且其ノ實施ノトキヨリ五年ノ存續期間ヲ有スベシ

本條約ハ右期間ノ滿了ノ六月前ニ廢棄セラレザルトキハ更ニ五年ノ期間ニ付暗黙ニ更新セラレタルモノト認メラルベク且爾後モ同様タルベシ
本條約ノ期間滿了ニ當リ本條約ニ依ル何等カノ手續ガ常設調停委員會、常設國際司法裁判所又ハ仲裁裁判所ニ繫屬中ナルトキハ右手續ハ其ノ完了ニ至ル迄續行セラルベシ

右證據トシテ前記全權委員ハ本條約ニ署名調印セリ

昭和八年四月十九日即チ千九百三十三年四月十九日「ハーグ」ニ於テ本誓ニ通テ作成ス

齋

藤

博(印)

ベラーラールツ、ファン、ブロックラント(印)

二、署名議定書

日本國和蘭國間司法的解決、仲裁裁判及調停條約ノ署名ヲ爲スニ當リ下
名ノ全權委員ハ左記ニ付意見一致ナル旨ヲ宣言セリ

一 前記條約ハ兩國間ニ生ズルコトアルベキ一切ノ紛争ニシテ第三國ノ

利益ニ直接關係スルコトナルベキモノニ適用セラルベシ

二 千九百三十三年三月二十七日ニ豫告セラレタル日本國ノ國際聯盟脫

退ノ實現ニ依リ常設國際司法裁判所ニ對スル日本國ノ法律的地位ニ變

化ノ生ズルコトアルベキ場合ニハ締約國ハ日本國政府ノ請求ニ依リ前

記條約ノ規定ニシテ右裁判所ニ關係アルモノヲ變更スルノ必要アリヤ

否ヤヲ存在スル爲商議ヲ開始スベシ右商議中前記規定ノ適用ハ停止セ

ラルベシ尤モ日本國政府ガ前記請求ヲ爲シタ際ニ常設國際司法裁判所

ニ繫屬中ナル手續ハ其ノ完了ニ至ル迄續行セラルベク又前記條約ノ規

定ハ此等ノ場合ニ右裁判所ノ決定ニ引續キ適用セラルベシ

昭和八年四月十九日即チ千九百三十三年四月十九日「ハーグ」ニ於テ

齋 藤 博

ベーラールツ、ファン、ブロックラント

文書成立ニ關スル證明書

自分ハ外務省文書課長ノ職ニ居ル者ナル處、茲ニ添付セル日本語及佛語
ニ依リ印刷セラレ二十一頁ヨリ成ル日本國和蘭國間司法的解決仲裁裁判
及調停條約ト題スル印刷物ハ日本政府（外務省）ノ編纂發行ニ係ル文書
ノ一ナルコトヲ證明ス

昭和二十二年二月四日 於東京

杯 蝶

右署名捺印ハ自分ノ面前ニ於テ爲サレタルモノナルコトヲ證明ス。

同日 於 同 所

立會人 浦 部 勝 馬